

Message Text

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ACTION EUR-12

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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 0183
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L BONN 12441

E.O. 11652: GDS
TAGS: PGOV BQG
SUBJECT: PROSECUTION OF LORENZ/DRENCKMANN
TERRORISTS IN BERLIN

REF: BONN 12426

1. FRG BONN GROUP REP (VON ARNIM) HAS NOW
OBTAINED AND PASSED ON TO ALLIED REPS INFORMATION ON
PERSONNEL ASSIGNED TO PROSECUTE THE LORENZ/DRENCKMANN
TERRORISTS IN BERLIN. SUBSEQUENT TO DISPATCH OF REFTEL,
VON ARNIM TELEPHONED ALLIED REPS INDIVIDUALLY TO STATE
THAT, BY OFFICIAL ASSIGNMENT SIGNED BY FEDERAL
PROSECUTOR GENERAL REBMANN ON JULY 7, 1977, THE FOLLOWING
MEMBERS OF THE BUNDESANWALTSCHAFT WERE ASSIGNED TO
THE BERLIN OFFICE:

UEBERSTAATSANWALT WIDERA
ERSTER UEBERSTAATSANWALT VOELZ
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STAATSANWALT JAEKEL

2. NONE OF THE THREE, VON ARNIM SAID, HAS THE TITLE
"BUNDESANWALT" AS YET BUT VOELZ WILL PROBABLY BE GIVEN
THAT TITLE FOR PURPOSES OF THE TRIAL.

3. CONTRARY TO HIS EXPECTATIONS AS EXPRESSED IN TODAY'S

BONN GROUP MEETING (REFTEL) THE TERM USED FOR THE ASSIGNMENT WAS NEITHER "VERSETZUNG" NOR "ABORDNUNG." THESE TERMS, HE HAD LEARNED, WERE USED ONLY FOR TRANSFERS FROM ONE AGENCY TO ANOTHER. FOR INTERNAL ASSIGNMENTS, AS IN THIS CASE, THE WORD USED WAS "ZUTEILUNG."

4. WE HAVE COMPARED NOTES BRIEFLY WITH THE UK AND FRENCH REPS SINCE VON ARNIM'S CALLS. THE FRENCH REP (RICHARD) FEELS THAT PARIS MAY NOT CONSIDER THE DETAILING OF PERSONNEL IN THIS MANNER AS MEETING THE TERMS OF THE EARLIER MINISTRY OF JUSTICE COMMITMENT THAT THE TRIAL WOULD BE PROSECUTED BY OFFICERS "BELONGING TO THE BERLIN OFFICE." THE UK REP (EYERS) ALSO FEELS THAT THE PROSECUTOR'S OFFICE IS PLAYING FAST AND LOOSE WITH ITS EARLIER COMMITMENT BUT HE IS LESS CONCERNED THAN THE FRENCH OVER THE CONSEQUENCES OF THE PROCEDURE USED.

5. OUR OWN FEELING, AS WE HAVE EXPLAINED TO BOTH THE BRITISH AND THE FRENCH, IS THAT THE PROCEDURE USED WAS TO BE EXPECTED. WHILE IT MAY NOT BE REFLECTED IN THE FILES, AND WHILE BOTH RICHARD AND EYERS HAVE JOINED THE BONN GROUP SINCE THE EARLIER DISCUSSIONS OF THIS SUBJECT, IT WAS COMMON KNOWLEDGE AMONG EARLIER BONN GROUP REPS THAT THE PERSONNEL ASSIGNED TO THE CONFIDENTIAL

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BERLIN OFFICE OF THE FEDERAL PROSECUTOR SIMPLY WERE NOT COMPETENT TO HANDLE A TRIAL OF THIS NATURE AND THAT THE STAFF WOULD HAVE TO BE BEEFED UP WITH PERSONNEL FROM KARLSRUHE.

6. IN OUR VIEW, THE SOVIET OBJECTIONS WILL BE APPROXIMATELY THE SAME, REGARDLESS OF HOW OR WHEN THE PROSECUTORS WERE ATTACHED TO THE BERLIN OFFICE; THE FACT THAT THEY ARE DETAILED THERE, HOWEVER, AND ARE NOT SIMPLY OPERATING OUT OF KARLSRUHE AT LEAST GIVES US THE MINIMUM COVER NECESSARY FOR ASSURING THE SOVIETS THAT THEY ARE OPERATING UNDER THE LAW IN FORCE IN BERLIN AND SUBJECT TO ALLIED CONTROL.
STOESSEL

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